

**UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

**INACOM CORP., et al.**

**Plaintiffs**

**v.**

**TECH DATA CORP.**

**Defendant**

**Civil Action No. 04-CV-148 (GMS)**

**INACOM CORP., et al.**

**Plaintiffs**

**v.**

**DELL COMPUTER CORP.**

**Defendant**

**Civil Action No. 04-CV-582 (GMS)**

**INACOM CORP., et al.**

**Plaintiffs**

**v.**

**LEXMARK INTERNATIONAL, INC.**

**Defendant**

**Civil Action No. 04-CV-583 (GMS)**

**INACOM CORP., et al.**

**Plaintiffs**

**v.**

**INGRAM ENTERTAINMENT INC.**

**Defendant**

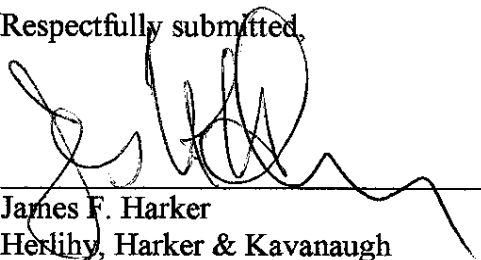
**Civil Action No. 04-CV-593 (GMS)**

**DEFENDANTS' MOTION FOR THE COURT TO CONSOLIDATE  
FOR TRIAL, PURSUANT TO FRCP 42(a), FOUR ACTIONS PENDING  
ON THE COURT'S DOCKET**

Defendants Tech Data Corp., Dell Computer Corp., Lexmark International, Inc. and Ingram Entertainment Inc. move the Court, pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, to consolidate for trial the four actions referenced in the caption of this motion on the grounds that the actions involve common questions of law and fact, and consolidation will result in a savings of the Court's time and the litigants' time and money. A memorandum of law in support of the motion has been tendered.

Dated: May 10, 2005

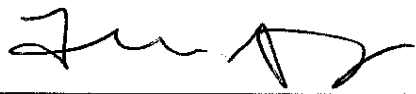
Respectfully submitted,

  
James F. Harker  
Herlihy, Harker & Kavanaugh  
1400 North Market Street, Suite 200  
P.O. Box 1597  
Wilmington, Delaware 19899

and

Charles M. Tatelbaum  
Stephen C. Hunt  
Adorno & Yoss, L.L.P.  
350 East Las Olas Blvd., 17th Floor  
Fort Lauderdale, Florida 33301

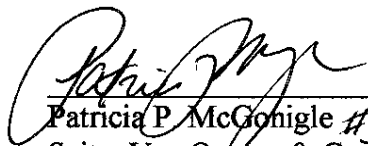
Attorneys for Defendant  
Tech Data Corp.

  
Thomas G. Whalen Jr. (No. 4034)  
Stevens & Lee, P.C.  
1105 North Market Street, 7th Floor  
Wilmington, Delaware 19801  
Tel: (302) 425-3307  
Fax: (302) 654-5181

and

Culver V. Halliday  
Emily L. Pagorski  
Stoll, Keenon & Park, LLP  
2650 AEGON Center  
400 West Market Street  
Louisville, Kentucky 40202-3377  
Tel: (502) 568-9100  
Fax: (502) 568-5700

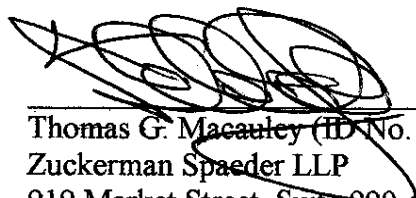
Attorneys for Defendant  
Lexmark International, Inc.

  
Patricia P. McGonigle #3126  
Seitz, Van Ogtrop & Green, P.A.  
222 Delaware Avenue, Suite 1500  
P.O. Box 68  
Wilmington, Delaware 19899

and

Sabrina L. Streusand  
G. James Landon  
Texas State Bar No. 11701700  
Hughes & Luce, L.L.P.  
111 Congress Avenue, Suite 900  
Austin, Texas 78701

Attorneys for Defendant  
Dell Computer Corp.

  
Thomas G. Macauley (ID No. 3411)  
Zuckerman Spaeder LLP  
919 Market Street, Suite 990  
P.O. Box 1028  
Wilmington, Delaware 19899-1028  
Tel.: (302) 427-0400  
Fax: (302) 427-8242

and

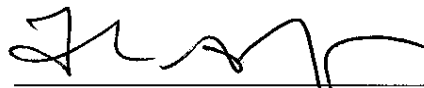
Jonathan P. Hersey  
Bingham McCutchen LLP  
600 Anton Blvd., 18<sup>th</sup> Floor  
Costa Mesa, California 92626

Attorneys for Defendant  
Ingram Entertainment Inc.

**CERTIFICATION OF COUNSEL FOR LEXMARK**

Pursuant to Rule 7.1.1 of the Local Rules of Civil Practice and Procedure of the United States District Court for the District of Delaware, I hereby certify that counsel for Defendant Lexmark International, Inc. has made a reasonable effort to reach agreement with opposing attorneys on the matters set forth in the motion, and has been unable to reach such agreement.

Dated: May 10, 2005

  
Thomas G. Whalen Jr.

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**INGRAM ENTERTAINMENT INC.**

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**Civil Action No. 04-CV-593 (GMS)**

**ORDER GRANTING DEFENDANTS' MOTION FOR THE COURT TO  
CONSOLIDATE FOR TRIAL, PURSUANT TO FRCP 42(a), FOUR  
ACTIONS PENDING ON THE COURT'S DOCKET**

Upon the motion of Defendants Tech Data Corp., Dell Computer Corp., Lexmark International, Inc. and Ingram Entertainment Inc. (collectively "Defendants") to consolidate for trial, pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, the four actions referenced in the caption, the Court being duly and sufficiently advised,

IT IS ORDERED that Defendants' motion to consolidate is granted.

Dated: \_\_\_\_\_, 2005.

\_\_\_\_\_  
Gregory M. Sleet, Judge  
United States District Court  
District of Delaware

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**CERTIFICATE OF SERVICE**

Thomas G. Whalen, Jr. hereby certifies that on May 10, 2005 a true and correct copy of the foregoing *DEFENDANTS' MOTION FOR THE COURT TO CONSOLIDATE FOR TRIAL, PURSUANT TO FRCP 42(a), FOUR ACTIONS PENDING ON THE COURT'S DOCKET* was served upon the following counsel of record, each via regular United States first class mail:

William H. Sudell, Jr., Esquire  
Derek C. Abbott, Esquire  
Morris, Nichols, Arsht & Tunnell  
1201 North Market Street  
Wilmington, Delaware 19899-1347

and

Cecily Dumas, Esquire  
Friedman Dumas & Springwater, LLP  
One Maritime Plaza, Suite 2475  
San Francisco, California 94111

*Counsel for Third-Party Defendant  
Compaq Computer Corporation*

William J. Burnett  
Blank Rome LLP  
1201 North Market Street, Suite 800  
Wilmington, Delaware 19801-4226

and

Earl M. Forte  
Blank Rome LLP  
One Logan Square  
18th & Cherry Streets  
Philadelphia, Pennsylvania 19103-6998

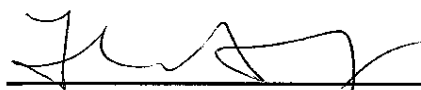
*Counsel for Statutory Committee  
of Unsecured Creditors of InaCom Corp.*

Laura Davis Jones, Esquire  
Sandra McLamb, Esquire  
Pachulski, Stang, Ziehl, Young,  
Jones & Weintraub P.C.  
919 North Market Street, 16th Floor  
Wilmington, Delaware 19899

and

Andrew W. Caine, Esquire  
Jeffrey P. Nolan, Esquire  
Pachulski, Stang, Ziehl, Young,  
Jones & Weintraub P.C.  
10100 Santa Monica Boulevard, 11th Floor  
Los Angeles, California 90067

*Counsel for Plaintiff  
InaCom Corp.*

  
\_\_\_\_\_  
Thomas G. Whalen, Jr.